IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

(SUO MOTU) CONTEMPT PETITION NO.168 OF 2002

In

CIVIL REVISION APPLICATION NO.1532 OF 2001

High Court on its own Motion

V/s.

1. Mrs.Anita Kiran Kataria
   21/20, Matoshri, Premnagar,
   Market Yard, Pune--37.
2. Miss Vidya G. Iyer : Contemnors

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Mrs.Anita K. Kataria, contemnor no.1 in person.

Miss Vidya G. Iyer, contemnor no.2 in person.

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CORAM : S.RADHAKRISHNAN &
S.A.BOBDE, JJ.

October 19, 2004.

P.C.:

1. Heard contemnor nos.1 and 2. Perused the order dated 30.4.2002 passed by the learned single Judge in the above matter. It appears that after the above suo motu contempt action has been initiated, contemnor no.1 has filed an affidavit dated 14.9.2004 before the learned single Judge

who initiated the said contempt action. In the said affidavit dated 14.9.2004, contemnor no.1 has tendered her unconditional apology and has stated that the statements made therein were wrong and that she had no intention to make any allegation against the Hon'ble Court. She has sought pardon from the learned single Judge. The said affidavit was taken on record by the learned single Judge on 15.9.2004 and as the matter pertained to a Division Bench, as it was a criminal contempt, the matter has been placed before us.

2. We have also perused the affidavits-in-reply filed by contemnor no.1 as well as contemnor no.2. Both of them have tendered unconditional apology. Contemnor no.1 again reiterates before this Division Bench also that she unconditionally apologises for the expression used in Civil Application No.187 of 2002 and she has also expressed her regrets and tenders apology by stating that it was not her intention to show any disrespect to this Court in any manner whatsoever. Contemnor no.2 also tenders unconditional apology.

3. Contemnor no.1 is a practising Advocate and the original matter pertains to her own matrimonial dispute with her husband. It appears that some statements were

made rather inadvertently as she herself was affected in the said matter. Contemnor no.2 is a junior Advocate of the counsel who was representing contemnor no.1. It is very categorically stated that the Civil Application was drafted by contemnor no.1 and contemnor no.2 had nothing to do with the same. The affidavit of contemnor no.2 also makes the above position clear. Contemnor no.2 has also tendered unconditional apology. Contemnor no.2 is also present before this Court and also reiterates the same.

4. Having regard to the facts and circumstances of the case and especially as the matter pertains to a matrimonial dispute wherein contemnor no.1 herself is involved and also in view of the unconditional apology tendered as stated hereinabove, we are inclined to accept the same and discharge the suo motu contempt action initiated against both the above contemnors.

5. Accordingly, the Contempt Petition stands disposed of.

Sd/-

(S. RADHAKRISHNAN, J.)

Sd/-

(S.A. BOBDE, J.)